

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated July 15, 2008. This amendment is filed with a request for a three month extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate extension fees.

At the time of the Office Action, claims 1-10 were pending in the application. In the Office Action, claim 9 was rejected under 35 U.S.C. §112, second paragraph. Claims 1-10 were rejected under 35 U.S.C. §102(b). Claims 1-10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting. The rejections are discussed in more detail below.

I. Rejection under 35 U.S.C. §112, second paragraph

Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate amendments are made herein to claim 9, and to introduce new claim 11, and withdrawal of the rejection is thus respectfully requested.

II. Claim Rejections Based on Art

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,353,730 to Kinno (hereafter "*Kinno*"). Claims 4-10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,219,589 to Niks et al. ("*Niks*"). Applicant respectfully requests the Examiner to reconsider these rejections.

As can be clearly be seen from at least figures 3-7, *Kinno* discloses sending to the fluidizing beds (A, C) a flow (16) of fluidizing air, which is totally distinct from the flow of cooling air (15) that is fed to the intermediate cooling bed (B). The feature of claim 1 is thus fully missing from the cited prior art, because there is no teaching or suggestion in *Kinno* to feed at least part of the fluidification air coming out of the cooling bed into the granulation fluid bed. Instead, *Kinno* treats the gas coming from the intermediate cooling bed as exhaust gas, and does not teach or suggest reusing it. These arguments also applies to *Niks*, wherein the fluid bed granulator formed by compartments 2-5 is fed with a spraying air fed through conduit 14, which is totally distinct from the flow of drying air fed through conduit 16 into the adjacent drying compartment 6. For the foregoing reasons, the subject-matter of the independent claim is believed to be patentable over *Kinno* and *Niks*.

The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

III. Double Patenting Rejection

Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/560,459. The present claims and the claims of copending application No. 10/560,459 are believed to be clearly distinct. Although both applications are concerned with a granulation process and apparatus, the present application is focused on the exploitation of the same fluidification air flow for the cooling and the granulation beds, while the other application is focused on a particular manner of discharging the formed cooled granules. It is thus clear that they are patentable distinct from one another. Withdrawal of this rejection is respectfully requested.

IV. Conclusion

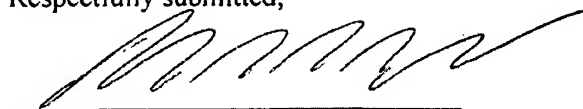
For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is thus respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Date: _____

1-14-09

Respectfully submitted,



Mark D. Passler
Registration No. 40,764
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000